

REMARKS

In response to the Office Action dated August 17, 2006, Applicant has amended claims 3. Reconsideration of the rejections and objections set forth in the Office Action, is respectfully requested. Applicants submit that the claims are in condition for allowance.

Claim Rejections - 35 U.S.C. § 112

The Examiner has rejected Claims 3-5 under 35 U.S.C. § 112, second paragraph for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended Claim 3 to more clearly indicate the subject matter.

In light of these amendments, Applicant has overcome the Examiner's 35 U.S.C. §112 rejections. Thus, the Examiner is respectfully requested to withdraw these rejections with respect to Claims 3-5.

Claim Rejections - 35 U.S.C. § 103

The Examiner has rejected Claims 1-3, 6, 11, 13-18, 20, 23 and 25-30 under 35 U.S.C. § 103 as being unpatentable by Vergani (US 4,175,417) in view of Kohama (US 4,882,924).

The Examiner has indicated that size of the work pieces being processed would not effect the overall procedure other than sizing the equipment to handle specific sized pieces. The Examiner has indicated that in the purview of the skilled artisan to realize the need to configure the equipment to accommodate specific sized pieces.

However, as discussed in the prior response, the skilled artisan would never manufacture pieces having a diameter over 30 mm with a cold forging process using a multipress. This because the skilled artisan perfectly knows that with such large diameters the punching tools would be overheated, as detailed in the background section of the specification.

The applicant has overcome this technical prejudice and, through the use of hydraulic multipresses and suitably modulating the forging speed, has surprisingly noticed that pieces with diameters over 30 mm (1.18 inches) could be worked, without overheating the pressing tools. By way of example, through the use of a 500 tons hydraulic press and modulating the extrusion speed between 20 and 50 mm/sec (0.78-1.96 inch/sec), the forging temperature is maintained

under 200°C (392°F) and pieces having diameters up to 72 mm (2.83 inches) can either be cold extruded or forged. There is no hint, in either Vergani or Kohama cited by the Examiner, about using these procedures in order to obtain metal pieces with a diameter over 30 mm (1.18 inches).

Under these circumstances, and taking into account the above considerations, the use of the teachings of Vergani for solving the problem of forging metal pieces with a diameter over 30 mm is impermissible hindsight. Since it was known that forging large metal pieces would overheat the presses, one skilled in the art at the time of the invention would not have taken Vergani into consideration.

The Examiner has rejected Claims 7 and 9 under 35 U.S.C. § 103 as being unpatentable by Vergani in view of Kohama and further in view of Wang (US 6,571,452), and 8, 10 and 19 by Vergani in view of Kohama and Wang and further in view of Green (US 5,632,175). The Examiner has rejected claims 12 and 24 under U.S.C. § 103 as being unpatentable by Vergani in view of Kohama in view of Oakley.

With reference to the above arguments, nowhere in these references is there cited any mention of the metal pieces having a "diameter greater than 30 mm." Thus the Applicants respectfully request that the Examiner withdraw the 35 U.S.C. 103 rejections to claims 1-3 and 6-30.


Conclusion

Applicants have complied with all requirements made in the above referenced communication. Applicants submit that the present application is in condition for allowance, and therefore, respectfully request that a timely Notice of Allowance be issued in this case. Should matters remain, which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicants' undersigned agent.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to Deposit Account Number **50-2638**. Please ensure that Attorney Docket Number 58009-018400 is referred to when charging any payments or credits for this case.

Respectfully submitted,

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